

Manufactured Home Installer Licensing Board

Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2014 Edition



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NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing the manufactured home installer profession, as of April 2014. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to individuals in the manufactured home installer profession regulated by the Manufactured Home Installer Licensing Board and the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. The Manufactured Home Installer Licensing Board and the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at www.in.gov/legislative.

MANUFACTURED HOME INSTALLER LICENSING BOARD

April 2014 Edition

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INDIANA CODE § 25-23.7

ARTICLE 23.7. MANUFACTURED HOME INSTALLERS

INDIANA CODE § 25-23.7-1

Chapter 1. Application of Article

IC 25-23.7-1-1 Application of article

Sec. 1. This article applies to a person who installs manufactured homes for occupancy as single family dwellings.
As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.32.

INDIANA CODE § 25-23.7-2

Chapter 2. Definitions

IC 25-23.7-2-1 Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-2 "Board"

Sec. 2. "Board" refers to the manufactured home installer licensing board established by IC 25-23.7-3-1.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-3 "Installation" or "install"

Sec. 3. "Installation" or "install" means any of the following:

- (1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
- (3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or components of a manufactured home.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-4 "Installer"

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-5 "Licensee"

Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-6 "Licensing agency"

Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
As added by P.L.162-2002, SEC.7. As amended by P.L.1-2006, SEC.458.

IC 25-23.7-2-7 "Manufactured home"

Sec. 7. "Manufactured home" means a:

- (1) dwelling meeting the definition set forth in IC 22-12-1-16; or
- (2) mobile home being installed in a mobile home community.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.33.

IC 25-23.7-2-7.5 "Mobile home"

Sec. 7.5. "Mobile home" has the meaning set forth in IC 16-41-27-4.
As added by P.L.87-2005, SEC.34.

IC 25-23.7-2-7.6 "Mobile home community"

Sec. 7.6. "Mobile home community" has the meaning set forth in IC 16-41-27-5.
As added by P.L.87-2005, SEC.35.

IC 25-23.7-2-8 "Secretary"

Sec. 8. "Secretary" has the meaning set forth in IC 25-1-6-5(c).
As added by P.L.162-2002, SEC.7.

INDIANA CODE § 25-23.7-3

Chapter 3. Manufactured Home Installer Licensing Board

IC 25-23.7-3-1 Establishment of board

Sec. 1. The manufactured home installer licensing board is established.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-2 Members

Sec. 2. (a) The board consists of nine (9) members appointed by the governor as follows:

- (1) Four (4) members who are installers, each of whom:
 - (A) is licensed in Indiana as an installer; and
 - (B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.
- (2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.
- (3) One (1) member who represents manufactured home dealers.
- (4) One (1) member who is an operator or who is employed by an operator of a mobile home community licensed under IC 16-41-27.
- (5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban Development.
- (6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.

(b) The members of the board must be residents of Indiana.
As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.36.

IC 25-23.7-3-3 Terms of members

Sec. 3. (a) Each member of the board shall serve a term of four (4) years and until the member's successor is appointed and qualified.

(b) A board member may not serve more than two (2) consecutive terms.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-4 Removal of member; vacancies

Sec. 4. (a) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-5 Board meetings; quorum; majority vote required

Sec. 5. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the time and place for each meeting.

(c) Five (5) members of the board constitute a quorum.

(d) Except as otherwise provided in this article, at least five (5) votes are necessary for the board to take official action.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-6 Salary per diem; travel expenses

Sec. 6. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-7 Chairperson; vice chairperson; presiding officer

Sec. 7. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.

(b) The chairperson and vice chairperson shall serve until their successor is elected.

(c) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(d) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-8 Board duties and powers

Sec. 8. The board shall:

- (1) enforce and administer this article;
- (2) adopt rules under IC 4-22-2 for the administration and enforcement of this article, including competency standards and a code of ethics for licensed installers;
- (3) prescribe the requirements for and the form of licenses issued or renewed under this article;
- (4) issue, deny, suspend, and revoke licenses in accordance with this article;
- (5) in accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or individuals the board has reason to believe should be licensees, including complaints concerning the failure to comply with this article or rules adopted under this article;
- (6) bring actions in the name of the state of Indiana in an appropriate circuit court to enforce compliance with this article or rules adopted under this article;
- (7) establish fees in accordance with IC 25-1-8;
- (8) inspect the records of a licensee in accordance with rules adopted by the board;
- (9) conduct or designate a board member or other representative to conduct public hearings on any matter for which a hearing is required under this article and to exercise all powers granted under IC 4-21.5; and
- (10) maintain the board's office, files, records, and property in the city of Indianapolis.

As added by P.L.162-2002, SEC.7.

INDIANA CODE § 25-23.7-4**Chapter 4. Licensing Agency; Board Secretary****IC 25-23.7-4-1 Board secretary; secretary duties**

Sec. 1. The licensing agency shall provide the board with a competent person to serve as secretary of the board. The secretary is not a member of the board. The secretary, through the licensing agency, shall:

- (1) keep a complete and accurate record of all proceedings of the board;
- (2) keep a current file of all licenses and licensees; and
- (3) perform any other duties assigned by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-4-2 Licensing agency responsibilities

Sec. 2. The licensing agency shall provide the board with clerical or other assistants necessary for the proper performance of the board's duties.

As added by P.L.162-2002, SEC.7. Amended by P.L.197-2007, SEC.86.

IC 25-23.7-4-3 Money collected; expenses paid from state general fund

Sec. 3. The secretary shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

As added by P.L.162-2002, SEC.7.

INDIANA CODE § 25-23.7-5**Chapter 5. Licensing Requirements****IC 25-23.7-5-1 Licensing requirement; political subdivision's powers; licensing exemptions**

Sec. 1. (a) Except as provided in subsection (b), an individual may not install a manufactured home without first obtaining from the board a license authorizing the individual to install a manufactured home. A political subdivision may not require a licensee to submit to any other form of licensing except for that required by a political subdivision for onsite electrical, plumbing, or mechanical systems installation. However, this article does not limit the power of a political subdivision to regulate the quality and character of work performed by a licensee through the enforcement of building codes or conducting inspections.

(b) An individual acting at all times at the direction and under the supervision of a licensed installer need not be licensed in order to install a manufactured home. A licensee is fully responsible for all installation work performed under the licensee's direction or supervision.

(c) This section does not prohibit:

- (1) a manufactured housing community owner;
 - (2) a manufactured housing community manager; or
 - (3) the employees of a person described in subdivision (1) or (2);
- from providing maintenance to an installation if that maintenance does not otherwise require a license by a political subdivision for onsite electrical, plumbing, or mechanical systems installation.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-2 Licensing requirements

Sec. 2. An individual who applies for a license as an installer of a manufactured home must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has successfully completed the board approved installation training course;

(C) has successfully completed a board approved course concerning Indiana law regarding:

- (i) the installation requirements for manufactured homes; and
- (ii) the state department of health requirements that apply to manufactured homes;

(D) has:

- (i) at least one (1) year of experience installing manufactured homes under the direction and supervision of a licensed installer; or
- (ii) three (3) references, two (2) of whom are licensed installers familiar with the individual's work experience and competency; and

(E) has not been:

- (i) convicted of an act that would constitute a ground for disciplinary action under this article; or
- (ii) the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction in connection with the installation of manufactured homes.

(2) Verify the information submitted on the application form.

(3) Submit proof of insurance or a surety bond:

- (A) issued by an insurance or a surety company authorized to transact business in Indiana;
- (B) in an amount determined by the board; and
- (C) with the terms and conditions established by the board.

(4) Pay the fee established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-3 Application form

Sec. 3. An individual applying for a license as an installer of manufactured homes must apply on a form prescribed and provided by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-4 License denial; remedies

Sec. 4. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.

As added by P.L.162-2002, SEC.7.

INDIANA CODE § 25-23.7-6

Chapter 6. Renewal of License

IC 25-23.7-6-1 Expiration of license

Sec. 1. Notwithstanding IC 25-1-2, the holder of a license issued under IC 25-23.7-5 must renew the license and pay the required renewal fee every four (4) years after it is issued on or before the date established by the Indiana Professional Licensing Agency under IC 25-1-6-4.

As added by P.L.162-2002, SEC.7. As amended by P.L.157-2006, SEC.63.

IC 25-23.7-6-2 License renewal requirements

Sec. 2. (a) An individual who applies to renew a license as an installer of a manufactured home must:

- (1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and
- (2) pay the renewal fee established by the board.

(b) If the holder of a license does not renew the license before the date established by the licensing agency, the certificate expires without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(c).

(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.162-2002, SEC.7. Amended by P.L.105-2008, SEC.44.

IC 25-23.7-6-3 Renewal notices; renewal fee

Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6-4 Continuing education requirements

Sec. 4. Each licensed installer must complete the continuing education required by the board before the end of each license renewal period.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6-5 Adoption of rules concerning continuing education

Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(b) The rules must do the following:

- (1) Establish procedures for approving organizations that provide continuing education.
- (2) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of installers.

As added by P.L.162-2002, SEC.7. Amended by P.L.194-2005, SEC.68.

INDIANA CODE § 25-23.7-7

Chapter 7. Disciplinary Proceedings; Enforcement

IC 25-23.7-7-1 Disciplinary actions

Sec. 1. The board may take disciplinary action against a licensee for any of the following violations:

- (1) Violating this article or rules adopted by the board under this article.
- (2) Making a false or material misleading representation:
 - (A) in a license application form or renewal form; or
 - (B) in information provided to the board.
- (3) Failing to pay fees or fines required under this article.
- (4) Communicating to the public false or misleading information concerning the license held.
- (5) Failing to complete the continuing education requirements established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-2 Disciplinary hearings

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-3 License suspension

Sec. 3. The board may summarily suspend a license for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to install manufactured homes. The summary suspension may be renewed, upon a hearing before the board, for up to ninety (90) days.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-4 Show cause order; cease and desist order

Sec. 4. (a) When the board determines that an individual not licensed under this article is engaged in or believed to be engaged in activities for which a license is required under this article, the board may issue an order to that individual requiring the individual to show cause why the individual should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected individual may appear and show cause as to why the individual should not be subject to licensing under this article.

(b) If the board, after a hearing, determines that the activities in which the individual is engaged are subject to licensing under this article, the board may issue a cease and desist order that describes the individual and activities that are the subjects of the order.

(c) A cease and desist order issued under this section is enforceable in the circuit or superior courts.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-5 Criminal violations

Sec. 5. An individual who:

- (1) engages in or offers to engage in the installation of a manufactured home without being licensed or without being exempt from licensing under Indiana law;
- (2) presents as the individual's own the license of another;
- (3) intentionally gives false or materially misleading information of any kind to the board or to a board member in connection with licensing matters;
- (4) impersonates another licensee;
- (5) uses an expired, suspended, or revoked license; or
- (6) otherwise violates this article;

commits a Class B misdemeanor.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-6 Judicial review

Sec. 6. An individual who applies for and is denied a license or a licensee who is aggrieved by an order or a determination of the board is entitled to a judicial review under IC 4-21.5.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-7 Board legal adviser

Sec. 7. The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this article.

As added by P.L.162-2002, SEC.7.

INDIANA CODE § 25-23.7-8
Chapter 8. Installation in a Mobile Home Community
IC 25-23.7-8-1 Application of chapter

Sec. 1. This chapter applies to the installation of a manufactured home in a mobile home community.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-2 Necessity of license

Sec. 2. An installation described in section 1 of this chapter must be performed:

- (1) by a person licensed under this article; and
- (2) in accordance with the manufacturer's installation instructions.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-3 Modification of utilities

Sec. 3. Utilities and other facilities that served a mobile home or manufactured home formerly installed in a mobile home community may be modified and used for an installation.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-4 Modified or expanded supports

Sec. 4. Supports that served a mobile home or manufactured home formerly installed in a mobile home community may be modified or expanded to use for an installation. However, upon completion of the installation, the supports must be adequate to serve the mobile home or manufactured home that is installed.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-5 Installation location

Sec. 5. (a) An existing location within a mobile home community that is:

(1) valid and conforming; or

(2) valid and nonconforming;

under a local ordinance may be modified or expanded to provide adequate support and utilities for an installation described in section 1 of this chapter.

(b) A location modified or expanded under subsection (a) retains the status that the location possessed under the local ordinance before the modification or expansion.

(c) If an installation on a location described in subsection (a) is installed in accordance with rules adopted under IC 16-41-27, the location is not considered new work or new construction.

As added by P.L.87-2005, SEC.37. As amended by P.L.21-2006, SEC.1.

IC 25-23.7-8-6 Installation of weather radios

Sec. 6. (a) This section applies to a person that installs a manufactured home in a mobile home community after June 30, 2007.

(b) A person shall supply a weather radio inside each manufactured home that the person installs. The weather radio must be equipped with the following features:

(1) Tone alarm activation.

(2) Specific alert message encoding, or SAME, technology.

(3) Public alert standard (CEA-2009) certification.

(c) The supplying of a weather radio by a person who installs a manufactured home as required by this section does not subject the person to liability for the functionality of that weather radio.

As added by P.L.31-2007, SEC.2.

INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2 License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6; P.L.155-2011, SEC.5.

IC 25-1-1.1-2 (Version a) Suspension or revocation of license or certificate; conviction for drug related offense

Note: This version of section amended by P.L.196-2013, SEC.9. See also following version of this section amended by P.L.158-2013, SEC.277, effective 7-1-2014.

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).
- (10) Maintaining a common nuisance under IC 35-48-4-13.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
- (14) A sex crime under IC 35-42-4.
- (15) A felony that reflects adversely on the individual's fitness to hold a professional license.
- (16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168; P.L.78-2012, SEC.7; P.L.196-2013, SEC.9.

IC 25-1-1.1-2 (Version b) Suspension, denial, or revocation of a license or certificate for specified convictions

Note: This version of section amended by P.L.158-2013, SEC.277, effective 7-1-2014. See also preceding version of this section amended by P.L.196-2013, SEC.9.

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) A sex crime under IC 35-42-4.
- (14) A felony that reflects adversely on the individual's fitness to hold a professional license.
- (15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

As added by P.L. 67-1990, SEC.7. Amended by P.L. 1-1991, SEC.162; P.L. 17-2001, SEC.5; P.L. 151-2006, SEC.10; P.L. 138-2011, SEC.6; P.L. 182-2011, SEC.6; P.L. 155-2011, SEC.6; P.L. 6-2012, SEC.168; P.L. 78-2012, SEC.7; P.L. 158-2013, SEC.277.

IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, or salvia under IC 35-48-4-10(b).
- (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.
 - (14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.
- As added by P.L. 67-1990, SEC.8. Amended by P.L. 182-1991, SEC.1; P.L. 17-2001, SEC.6; P.L. 1-2002, SEC.94; P.L. 151-2006, SEC.11; P.L. 138-2011, SEC.7; P.L. 182-2011, SEC.7; P.L. 78-2012, SEC.8; P.L. 196-2013, SEC.10.*

INDIANA CODE § 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L. 133-1995, SEC. 19.

IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.

IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.

IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 18.

IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L. 133-1995, SEC. 19.

IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L. 133-1995, SEC. 19.

IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109; P.L.207-2013, SEC.11.

IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
- (2) Describes the amount of child support that the practitioner is in arrears.
- (3) Explains that unless the practitioner contacts the bureau and:
 - (A) pays the practitioner's child support arrearage in full;
 - (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
 - (C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

- (A) pay the practitioner's child support arrearage in full;
- (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
- (C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

- (A) paid the practitioner's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.

IC 25-1-1.2-9 Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-1.2-10 Repealed

(Repealed by P.L.23-1996, SEC.33.)

INDIANA CODE § 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration

IC 25-1-2-1 Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.

IC 25-1-2-2 Repealed

(Repealed by P.L. 1-1990, SEC.247.)

IC 25-1-2-2.1 Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.
- (33) Direct entry midwives.

As added by P.L. 1-1990, SEC.248. Amended by P.L. 186-1990, SEC.1; P.L. 183-1991, SEC.1; P.L. 182-1991, SEC.2; P.L. 25-1992, SEC.26; P.L. 227-1993, SEC.2; P.L. 124-1994, SEC.1; P.L. 234-1995, SEC.1; P.L. 175-1997, SEC.2; P.L. 147-1997, SEC.5; P.L. 84-1998, SEC.1; P.L. 54-2001, SEC.3; P.L. 162-2002, SEC.1; P.L. 145-2003, SEC.1; P.L. 87-2005, SEC.31; P.L. 200-2007, SEC.2; P.L. 3-2008, SEC.175; P.L. 177-2009, SEC.10; P.L. 84-2010, SEC.6; P.L. 57-2013, SEC.24; P.L. 232-2013, SEC.10.

IC 25-1-2-3 Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day

and month designated for payment of fees for one (1) year licenses. *(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L. 154, SEC.1.*

IC 25-1-2-4 Rebates and proration of fees

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5 Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L. 154, SEC.2.

IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of cosmetology and barber examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.
- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for professional surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.

- (36) Attorney general (only for the regulation of athlete agents).
- (37) Manufactured home installer licensing board.
- (38) Home inspectors licensing board.
- (39) State board of massage therapy.
- (40) Midwifery committee.
- (41) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

- (1) Inform the individual of the following:
 - (A) That the individual's license has expired.
 - (B) Any requirements that must be met before reinstatement of a license may occur.
- (2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73; P.L.57-2013, SEC.25; P.L.232-2013, SEC.11.

IC 25-1-2-7 Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

IC 25-1-2-8 Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

INDIANA CODE § 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1 Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-2 Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-4 Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

(Formerly: Acts 1975, P.L.268, SEC.1.)

INDIANA CODE § 25-1-4-0.3

Chapter 4. Continuing Education

IC 25-1-4-0.2 "Approved organization"

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

IC 25-1-4-0.3 "Board" defined

Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for professional surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27-1).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8; P.L.57-2013, SEC.26.

IC 25-1-4-0.5 "Continuing education" defined

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
 - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
 - (B) for a real estate appraiser:
 - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
 - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

IC 25-1-4-0.6 "Practitioner" defined

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
- (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

As added by P.L.177-2009, SEC.12.

IC 25-1-4-1 Requirement

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

IC 25-1-4-2 Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2 Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.

IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board or agency.

As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.

IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.
- (2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).
- (3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

- (1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
- (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

- (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of service of the notice.
- (B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.
- (C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by

certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

- (1) reinstate a practitioner's license; or
- (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.

IC 25-1-4-6 Failure to comply; denial of license renewal; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

- (1) Provide the practitioner notice of noncompliance by certified mail.
- (2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection

(a) upon occurrence of the following:

- (1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).
- (2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.
- (3) The practitioner otherwise complies with this chapter.

As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.

IC 25-1-4-7 Credit Hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.

INDIANA CODE § 25-1-5

Chapter 5. Professional Licensing Agency

IC 25-1-5-1 Centralization of staff, functions, and services; purpose

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L.206-2005, SEC.1.

IC 25-1-5-2 Definitions

Sec. 2. As used in this chapter:

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.206-2005, SEC.2.

IC 25-1-5-3

Indiana professional licensing agency; functions; duties and responsibilities

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- (10) State psychology board (IC 25-33).
- (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (12) Committee of hearing aid dealer examiners (IC 25-20).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Behavioral health and human services licensing board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Midwifery committee (IC 25-23.4-2-1).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L.206-2005, SEC.3; P.L.2-2008, SEC.57; P.L.122-2009, SEC.3; P.L.84-2010, SEC.9; P.L.232-2013, SEC.12.

IC 25-1-5-3.3 Treatment of rules adopted by health professions bureau before July 1, 2005; transfer of property and appropriations to agency; treatment of references to health professions bureau

Sec. 3.3. (a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the agency.

(b) On July 1, 2005, the agency becomes the owner of all the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the agency.

As added by P.L.220-2011, SEC.404.

IC 25-1-5-3.5 Board membership not a lucrative office

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

As added by P.L.135-2012, SEC.3.

IC 25-1-5-4 Additional duties and functions; staff

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and (5) administration of license or certificate issuance or renewal.

(b) In addition, the agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and

(4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence. This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies. (g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except

as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L.206-2005, SEC.4; P.L.177-2009, SEC.14.

IC 25-1-5-5 Executive director

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint

not more than three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L.206-2005, SEC.5; P.L.6-2012, SEC.169.

IC 25-1-5-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff. *As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L.206-2005, SEC.6.*

IC 25-1-5-9 Submission of certified document as proof of required diploma

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program. *As added by P.L.177-1996, SEC.1.*

IC 25-1-5-11 Personal information; confidentiality; Social Security numbers; access; exceptions to confidentiality

Sec. 11. (a) As used in this section, "applicant" means an individual who applies for a license, certificate, registration, or permit issued by a board under this title.

(b) As used in this section, "licensee" means an individual who is or has been licensed, certified, or registered by a board under this title.

(c) As used in this section, "personal information" means the following:

(1) Home telephone number.

(2) Electronic mail address.

(d) Except as otherwise provided in this section, the personal information of an individual who is:

(1) a licensee;

(2) an applicant; or

(3) a board member;

is confidential for purposes of IC 5-14-3-4 and may not be disclosed to the public by the agency or a board.

(e) An applicant or a licensee shall provide the applicant's or licensee's Social Security number to the agency.

(f) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(g) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each applicant or licensee to:

(1) a testing service that provides the examination for licensure, certification, or registration to the agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating:

(A) licensure, certification, or registration; and

(B) disciplinary activities among the individual states.

(h) Notwithstanding subsection (d), the agency or a board may disclose personal information of an individual described in subsection (d) if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(3) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(4) For use by any person, when the person demonstrates, in a form and manner prescribed by the agency, that written consent has been obtained from the individual who is the subject of the information.

(5) For any other use specifically authorized by law that is related to the agency or a board or to public safety.

As added by P.L. 157-2006, SEC. 18. Amended by P.L. 151-2013, SEC. 9.

IC 25-1-6-1 Centralization of staff, functions, and services

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

(1) make maximum use of data processing as a means of more efficient operation;

(2) provide more services and carry out functions of superior quality; and

(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 2; P.L. 194-2005, SEC. 1.

IC 25-1-6-2 Definitions

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 3; P.L. 206-2005, SEC. 8.

IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of cosmetology and barber examiners (IC 25-8-3-1).

(5) State board of funeral and cemetery service (IC 25-15-9).

(6) State board of registration for professional engineers (IC 25-31-1-3).

(7) Indiana plumbing commission (IC 25-28.5-1-3).

(8) Indiana real estate commission (IC 25-34.1).

(9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

(10) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(11) State board of registration for professional surveyors (IC 25-21.5-2-1).

(12) Manufactured home installer licensing board (IC 25-23.7).

(13) Home inspectors licensing board (IC 25-20.2-3-1).

(14) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 10; P.L. 132-1984, SEC. 4; P.L. 246-1985, SEC. 14; P.L. 257-1987, SEC. 14; P.L. 234-1989, SEC. 2; P.L. 186-1990, SEC. 4; P.L. 23-1991, SEC. 8; P.L. 48-1991, SEC. 15; P.L. 1-1992, SEC. 129; P.L. 30-1993, SEC. 4; P.L. 234-1995, SEC. 2; P.L. 82-2000, SEC. 3; P.L. 227-2001, SEC. 3; P.L. 162-2002, SEC. 3; P.L. 145-2003, SEC. 3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9; P.L. 185-2007, SEC. 3; P.L. 200-2007, SEC. 4; P.L. 3-2008, SEC. 177; P.L. 160-2009, SEC. 6; P.L. 84-2010, SEC. 11; P.L. 42-2011, SEC. 50; P.L. 57-2013, SEC. 27.

IC 25-1-6-4 Additional duties and functions; staff

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;

(2) recordkeeping of board meetings, proceedings, and actions;

(3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;

(4) administration of examinations; and

(5) administration of license or certificate issuance or renewal

(b) In addition, the licensing agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

(1) renew the license or certificate; and

(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a

sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
 - (A) the law regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment

of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L. 194-2005, SEC. 3.

IC 25-1-6-5 Executive director

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4; P.L.6-2012, SEC.170.

IC 25-1-6-5.5 Appeal of license renewal denial

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L. 194-2005, SEC. 5.

IC 25-1-6-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.

IC 25-1-6-7 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list

Sec. 8. (a) The licensing agency and the boards shall allow the department of state revenue, the alcohol and tobacco commission, and the bureau of motor vehicles access to the name of each person who: (1) is licensed under this chapter or IC 25-1-5; or (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency shall not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(c) If the alcohol and tobacco commission notifies the licensing agency that a person has an outstanding balance due to the alcohol and tobacco commission, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the alcohol and tobacco commission indicating that the person's outstanding balance has been satisfied.

(d) If the bureau of motor vehicles notifies the licensing agency that a person has an outstanding balance due to the bureau of motor vehicles because a check, draft, or order issued or delivered by the person to the bureau of motor vehicles was returned or dishonored because of insufficient funds, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the bureau of motor vehicles indicating that the person's outstanding balance has been satisfied.

As added by P.L. 26-1985, SEC. 20. Amended by P.L. 332-1989(ss), SEC. 46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10; P.L. 172-2011, SEC. 131; P.L. 261-2013, SEC. 41.

IC 25-1-6-10 Provision of social security numbers; access to numbers

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L. 157-2006, SEC. 19.

INDIANA CODE § 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) Board of chiropractic examiners (IC 25-10-1).

(5) State board of cosmetology and barber examiners (IC 25-8-3-1).

(6) State board of dentistry (IC 25-14-1).

(7) State board of funeral and cemetery service (IC 25-15-9).

(8) State board of registration for professional engineers (IC 25-31-1-3).

(9) Indiana state board of health facility administrators (IC 25-19-1).

(10) Medical licensing board of Indiana (IC 25-22.5-2).

(11) Indiana state board of nursing (IC 25-23-1).

(12) Indiana optometry board (IC 25-24).

(13) Indiana board of pharmacy (IC 25-26).

(14) Indiana plumbing commission (IC 25-28.5-1-3).

(15) Board of podiatric medicine (IC 25-29-2-1).

(16) State psychology board (IC 25-33).

(17) Speech-language pathology and audiology board (IC 25-35.6-2).

(18) Indiana real estate commission (IC 25-34.1-2).

(19) Indiana board of veterinary medical examiners (IC 25-38.1).

(20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(21) Respiratory care committee (IC 25-34.5).

(22) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(23) Occupational therapy committee (IC 25-23.5).

(24) Behavioral health and human services licensing board (IC 25-23.6).

(25) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(26) State board of registration for professional surveyors (IC 25-21.5-2-1).

(27) Physician assistant committee (IC 25-27.5).

(28) Indiana athletic trainers board (IC 25-5.1-2-1).

(29) Indiana dietitians certification board (IC 25-14.5-2-1).

(30) Indiana physical therapy committee (IC 25-27).

(31) Manufactured home installer licensing board (IC 25-23.7).

(32) Home inspectors licensing board (IC 25-20.2-3-1).

(33) State department of health, for out-of-state mobile health care entities.

(34) State board of massage therapy (IC 25-21.8-2-1).

(35) Midwifery committee (IC 25-23.4-2-1).

(36) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L. 222, SEC. 4. Amended by Acts 1982, P.L. 113, SEC. 12; P.L. 137-1985, SEC. 7; P.L. 246-1985, SEC. 15; P.L. 169-1985, SEC. 29; P.L. 149-1987, SEC. 21; P.L. 257-1987, SEC. 15; P.L. 242-1989, SEC. 6; P.L. 234-1989, SEC. 3; P.L. 238-1989, SEC. 6; P.L. 1-1990, SEC. 249; P.L. 186-1990, SEC. 5; P.L. 183-1991, SEC. 3; P.L. 23-1991, SEC. 9; P.L. 48-1991, SEC. 16; P.L. 1-1992, SEC. 130; P.L. 30-1993, SEC. 5; P.L. 227-1993, SEC. 5; P.L. 213-1993, SEC. 2; P.L. 8-1993, SEC. 371; P.L. 33-1993, SEC. 11; P.L. 1-1994, SEC. 120; P.L. 124-1994,

SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51; P.L.57-2013, SEC.28; P.L.232-2013, SEC.14.

IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-3 Investigation of complaints

Sec. 3. (a) Except as provided in subsections (b) and (c), the division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

(c) The state board of cosmetology and barber examiners shall investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall forward a complaint concerning the practice of beauty culture under IC 25-8 to the state board of cosmetology and barber examiners for investigation by the state board of cosmetology and barber examiners. However, if the complaint includes a violation in addition to a violation specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the complaint in its entirety and notify the state board of cosmetology and barber examiners of the investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17; P.L.170-2013, SEC.1.

IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-5 Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b) of this chapter, the director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation,

that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18.

IC 25-1-7-6 Statement of settlement; period of time to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-8 Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-9 Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).
As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.

IC 25-1-7-10 Confidentiality of complaints and information

Sec. 10. (a) Except as provided in section 3(b) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.
(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19.

IC 25-1-7-11 Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.
As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

IC 25-1-7-12 Reimbursement of attorney general

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

As added by P.L.255-1987, SEC.1.

IC 25-1-7-13 Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

As added by P.L.177-1997, SEC.1.

IC 25-1-7-14 Cease and desist orders

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or

registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that the person is engaged in activities that may affect an individual's health or safety; a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

(f) In addition to the powers specified in subsections (a) through (e), the state board of funeral and cemetery service may:

- (1) file complaints under subsection (a)(1);
- (2) issue show cause orders under subsection (a)(2); and
- (3) hold hearings and issue cease and desist orders under subsection (b);

in relation to persons who are engaged in or believed to be engaged in activities for which a certificate of authority is required under IC 30-2-13.

(g) Cease and desist orders may be issued by the state board of funeral and cemetery service under subsection (f) for failure to possess a certificate of authority even if the person has a valid:

- (1) funeral home license;
- (2) funeral director license;
- (3) embalmer license; or
- (4) cemetery registration.

(h) A cease and desist order issued under this section by a board defined in IC 25-1-11-1 may also include an order for the person to pay consumer restitution to a person who suffered damages as a result of the activities that were the basis for the cease and desist order.

(i) A cease and desist order issued under this section may also include an order for repayment of the costs of the proceedings. The person's ability to pay must be considered when costs are assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.

- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals.

As added by P.L. 84-2010, SEC.13. Amended by P.L. 155-2011, SEC.9; P.L.134-2013, SEC.2.

INDIANA CODE § 25-1-8

Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

IC 25-1-8-1 "Board"

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) Board of chiropractic examiners (IC 25-10-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of dentistry (IC 25-14-1).
- (7) State board of funeral and cemetery service (IC 25-15).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana state board of health facility administrators (IC 25-19-1).
- (10) Medical licensing board of Indiana (IC 25-22.5-2).
- (11) Mining board (IC 22-10-1.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) State psychology board (IC 25-33).
- (17) Speech-language pathology and audiology board (IC 25-35.6-2).
- (18) Indiana real estate commission (IC 25-34.1-2-1).
- (19) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (20) Department of insurance (IC 27-1).
- (21) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Private investigator and security guard licensing board (IC 25-30-1.5-2).
- (24) Occupational therapy committee (IC 25-23.5-2-1).
- (25) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (27) State board of registration for professional surveyors (IC 25-21.5-2-1).
- (28) Physician assistant committee (IC 25-27.5).
- (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- (30) Board of podiatric medicine (IC 25-29-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana physical therapy committee (IC 25-27).
- (33) Manufactured home installer licensing board (IC 25-23.7).
- (34) Home inspectors licensing board (IC 25-20.2-3-1).
- (35) State board of massage therapy (IC 25-21.8-2-1).
- (36) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993,

SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52; P.L.57-2013, SEC.29.

IC 25-1-8-1.1 Repealed

(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.

IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

As added by Acts 1982, P.L.113, SEC.14.

IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

As added by P.L.234-1983, SEC.3.

IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration.

The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.

IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
 - (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
 - (3) Indiana athletic trainers board (IC 25-5.1-2-1).
 - (4) Indiana auctioneer commission (IC 25-6.1-2-1).
 - (5) Board of chiropractic examiners (IC 25-10-1).
 - (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
 - (7) State board of dentistry (IC 25-14-1).
 - (8) Indiana dietitians certification board (IC 25-14.5-2-1).
 - (9) State board of registration for professional engineers (IC 25-31-1-3).
 - (10) State board of funeral and cemetery service (IC 25-15-9).
 - (11) Indiana state board of health facility administrators (IC 25-19-1).
 - (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
 - (13) Home inspectors licensing board (IC 25-20.2-3-1).
 - (14) State board of registration for land surveyors (IC 25-21.5-2-1).
 - (15) Manufactured home installer licensing board (IC 25-23.7).
 - (16) Medical licensing board of Indiana (IC 25-22.5-2).
 - (17) Indiana state board of nursing (IC 25-23-1).
 - (18) Occupational therapy committee (IC 25-23.5).
 - (19) Indiana optometry board (IC 25-24).
 - (20) Indiana board of pharmacy (IC 25-26).
 - (21) Indiana physical therapy committee (IC 25-27).
 - (22) Physician assistant committee (IC 25-27.5).
 - (23) Indiana plumbing commission (IC 25-28.5-1-3).
 - (24) Board of podiatric medicine (IC 25-29-2-1).
 - (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
 - (26) State psychology board (IC 25-33).
 - (27) Indiana real estate commission (IC 25-34.1-2).
 - (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
 - (29) Respiratory care committee (IC 25-34.5).
 - (30) Behavioral health and human services licensing board (IC 25-23.6).
 - (31) Speech-language pathology and audiology board (IC 25-35.6-2).
 - (32) Indiana board of veterinary medical examiners (IC 25-38.1).
 - (33) State board of massage therapy (IC 25-21.8-2-1).
- (b) This section does not apply to a license, certificate, or registration that has

been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

- (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
- (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
 - (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
 - (3) Payment of a reinstatement fee equal to the current initial application fee.
 - (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
- (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
 - (6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9, P.L. 84-2010, SEC. 15.

IC 25-1-8-7 Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-1-8-8 License reinstatement; grounds for denial

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in

subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
 - (2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
 - (3) Reinstate the license and file a complaint under IC 25-1-7.
 - (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.
 - (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.
- (c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).
- (d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.
- (e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:
- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
 - (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
 - (3) the reinstatement is denied.
- If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.
- As added by P.L.197-2007, SEC.21.*

INDIANA CODE § 25-1-10

Chapter 10. Reserved

INDIANA CODE § 25-1-11

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1 "Board"

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (5) State board of registration for land surveyors (IC 25-21.5-2-1).
- (6) State board of funeral and cemetery service (IC 25-15-9).

- (7) State board of registration for professional engineers (IC 25-31-1-3).
- (8) Indiana plumbing commission (IC 25-28.5-1-3).
- (9) Indiana real estate commission (IC 25-34.1-2-1).
- (10) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (11) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18; P.L.113-2010, SEC.103; P.L.42-2011, SEC.53.

IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities;
 - (C) advertised services or goods in a false or misleading manner; or
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices.
- (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public.
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.

IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8 Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a professional surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1. Amended by P.L.42-2011, SEC.54; P.L.57-2013, SEC.30.

IC 25-1-11-9.5 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1. Amended by P.L. 194-2005, SEC. 7.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner; or

(E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17; P.L.197-2011, SEC.74.

IC 25-1-11-13 Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) The board may summarily suspend the license of an individual licensed under IC 25-34.1 for ninety (90) days before a final adjudication or during the appeals process if the board finds that the individual has engaged in material and intentional misrepresentations or omissions in at least three (3) transactions. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(d) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997,

SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182; P.L.231-2013, SEC.9.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-17 Surrender of practitioner license

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

As added by P.L.214-1993, SEC.1. Amended by P.L.105-2009, SEC.13; P.L.52-2009, SEC.10.

IC 25-1-11-18 Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.

(2) Transcripts.

(3) Certification of documents.

(4) Photo duplication.

(5) Witness attendance and mileage fees.

(6) Postage.

(7) Expert witnesses.

(8) Depositions.

(9) Notarizations.

(10) Administrative law judges.

(11) Real estate review appraisals, if applicable.

As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.105-2009, SEC.14; P.L.52-2009, SEC.11.

IC 25-1-11-19 Refusal of licensure or granting of probationary license

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

- (A) been disciplined by a licensing entity of another state or jurisdiction; or
- (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.

IC 25-1-11-20 Applicant appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L. 194-2005, SEC. 10.

IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.144-2007, SEC.26.

INDIANA CODE § 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals in Military Service

IC 25-1-12-1 Applicability of chapter

Sec. 1. (a) This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

(b) This chapter applies to all individuals who:

- (1) hold a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and

(2) have been called to full-time service in the:

- (A) armed forces of the United States; or
- (B) National Guard;

after September 11, 2001.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.

IC 25-1-12-2 "Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-3 "Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.

IC 25-1-12-4 "National guard" defined

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-5 "Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.

IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
- (3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:
 - (A) discharge; or
 - (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.

IC 25-1-12-7 Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-8 Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

As added by P.L.88-2004, SEC.2.

INDIANA CODE § 25-1-14

Chapter 14. Repealed

(Repealed by P.L.134-2012, SEC.28.)

INDIANA CODE § 25-1-16

Chapter 16. Evaluation of regulated occupations

IC 25-1-16-1 "Agency"

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-2 "Board"

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-3 "Committee"

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-4 "License"

Sec. 4. As used in this chapter, "license" means:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the regulated occupation in question.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-5 "Regulated occupation"

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-6 Regulated occupations evaluation committee established

Sec. 6. The regulated occupations evaluation committee is established.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-7 Members; terms; votes

Sec. 7. (a) The committee consists of the following individuals:

(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.

(2) The director of the agency or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-8 Review and evaluation of regulated occupations; report

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-9 Cooperation with committee; testimony

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the

board.(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-10 Review schedule

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-11 Staff; expenditures

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-12 Member reimbursement

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-13 Annual report

Sec. 13. The committee shall submit a report to the:

- (1) governor;
- (2) health finance commission; and
- (3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.84-2010, SEC.19.

Non-Code Provision under Public Law 206-2005

P.L. 206-2005, SECTION 16

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

**TITLE 879 MANUFACTURED HOME INSTALLER
LICENSING BOARD**

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

879 IAC 1-1-1 Applicability

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. The definitions in this rule apply throughout this article.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2981; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-1-2 "Board" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7-3-1

Sec. 2. "Board" means the manufactured home installer licensing board established by IC 25-23.7-3-1.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2981; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-1-3 "Installation" or "install" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 3. "Installation" or "install" means the following:

- (1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
- (3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or components of a manufactured home.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2981; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-1-4 "Installer" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-4; filed May 11, 2005, 2:00 p.m.: 28 IR 2981; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-1-5 "Licensee" defined

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-5; filed May 11, 2005, 2:00 p.m.: 28 IR 2981; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-1-6 "Manufactured home" defined

Authority: IC 25-23.7-3-8

Affected: IC 22-12-1-14; IC 25-23.7

Sec. 6. "Manufactured home" means a structure, transportable in one (1) or more sections, that:

- (1) in the traveling mode, is:

- (A) eight (8) body feet or more in width; or
 - (B) forty (40) body feet or more in length;
 - (2) when erected on site, is:
 - (A) three hundred twenty (320) or more square feet; and
 - (B) built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; or
 - (3) is certified through the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.); and includes the plumbing, heating, and electrical systems contained therein. The term does not include industrialized building systems as defined in IC 22-12-1-14.
- (Manufactured Home Installer Licensing Board; 879 IAC 1-1-6; filed May 11, 2005, 2:00 p.m.: 28 IR 2981; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)*

879 IAC 1-1-7 "Mobile home" defined

Authority: IC 25-23.7-3-8

Affected: IC 22-12-1-14; IC 25-23.7

Sec. 7. "Mobile home" means a dwelling, including the equipment sold as part of the dwelling, that:

- (1) is factory assembled;
- (2) is transportable;
- (3) is intended for year-round occupancy;
- (4) is designed for transportation on its own chassis; and
- (5) was manufactured before June 15, 1976.

(Manufactured Home Installer Licensing Board; 879 IAC 1-1-7; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

Rule 2. Minimum Standards of Competent Practice

879 IAC 1-2-1 Manufactured home installers

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) A manufactured home installer's license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers, or home purchasers. All work must be in compliance with all applicable federal and state statutes, regulations, and standards. Work authorized by the manufactured home installer's license is limited to the following:

- (1) Site preparation.
- (2) Physical placement of the manufactured home on the site.
- (3) Physical connection of sections and structural and nonstructural and mechanical components of the manufactured home.
- (4) Installation of the following:
 - (A) Foundation system.
 - (B) Piers.
 - (C) Blocking work.
 - (D) Ground anchors.
 - (E) Tiedown straps.
 - (F) Leveling.
 - (G) Vapor barriers.
 - (H) Prefabricated steps.

(b) Electric, water, sewer, and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(c) Installation will not be considered complete until all systems are functioning.

(Manufactured Home Installer Licensing Board; 879 IAC 1-2-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2982; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-2-2 Manufactured home installation requirements

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 2. Manufactured home installers shall do manufactured home installation in compliance with the following:

(1) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.

(2) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.

(Manufactured Home Installer Licensing Board; 879 IAC 1-2-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2982; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-2-3 Advertising

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 3. Advertising by a manufactured home installer shall not misrepresent facts.

(Manufactured Home Installer Licensing Board; 879 IAC 1-2-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2982; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

Rule 3. Code of Ethics

879 IAC 1-3-1 Code of ethics

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) This rule establishes requirements concerning ethical principles and unprofessional conduct in the practice of installation of manufactured homes.

(b) The ethics to be observed by licensed manufactured home installers shall be as follows:

(1) Maintain a high standard of professional ethics.

(2) Maintain a position of truth and integrity in dealing with customers and the public.

(3) Maintain a policy of civic responsibility and cooperation in the community.

(4) Maintain an attitude of constant cooperation with an interest in local, state, and federal laws.

(5) Maintain a policy of prompt and efficient service of all legitimate complaints.

(6) Maintain a policy of complete compliance with all existing laws and regulations governing the business operation.

(7) Maintain a program of constant improvement of the products and the business interests.

(8) Maintain the present and promote the future welfare and best interests of the citizens of Indiana.

(Manufactured Home Installer Licensing Board; 879 IAC 1-3-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2982; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

Rule 4. Fees and Licensing Requirements

879 IAC 1-4-1 Fees

Authority: IC 25-1-8-2; IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) For review of an application for licensure and issuance of a license as a manufactured home installer, one hundred fifty dollars (\$150).

(2) For the quadrennial renewal of the license to practice as a manufactured home installer, fifty dollars (\$50) payable before December 31 of every fourth year.

(3) For renewal of an expired license to practice as a manufactured home installer, fifty dollars (\$50), plus the unpaid renewal.

(4) For a duplicate or replacement wall certificate, twenty-five dollars (\$25).

(5) For a replacement pocket card to practice as a manufactured home installer, ten dollars (\$10).

(6) For verification of licensure to another state or jurisdiction, ten dollars (\$10).

(Manufactured Home Installer Licensing Board; 879 IAC 1-4-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2982; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-4-2 Licensing educational requirements; hours of classroom instruction

Authority: IC 25-23.7-3-8

Affected: IC 25-1-11; IC 25-23.7

Sec. 2. (a) A manufactured home installer course shall consist of at least eight (8) hours of classroom instruction in the following:

(1) A minimum of two (2) hours in Indiana law in the following subject areas:

(A) IC 25-23.7, Indiana manufactured home installer's act.

(B) IC 25-1-11, professional licensing standards of practice.

(C) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.

(D) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.

(E) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.

(2) A minimum of one-half (½) hour in professional ethics.

(3) A minimum of two (2) hours in installation manual in the following subject areas:

(A) Manufacturer's installation manuals and requirements.

(B) Preparation of manufactured housing sites.

(C) Installation of foundation systems.

(4) A minimum of two (2) hours in safety in the following subject areas:

(A) Blocking, perimeter support, and leveling of manufactured homes.

(B) Structural connections of sections and major components.

(C) Installation of anchoring systems and components.

(D) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.

(5) A minimum of one-half (½) hour in utility connections between sections in the following subject areas:

(A) Electrical connections between sections.

(B) Plumbing connections between sections.

(C) Mechanical equipment connections between sections.

(D) Gas equipment and appliance connections within the home.

(E) Connections of vents, ducts, carpet, and other nonstructural components.

The educational topics listed are minimums for each topic.

Additional classroom time, over and above those listed above, shall be detailed within the educational outline information and is to be in areas relating to the installation of manufactured homes.

(b) One (1) hour of licensing education must contain sixty (60) minutes of actual instruction.

(c) All attendance shall be in the same course.

(d) A makeup class must be:

(1) completed during a regular class session; and

(2) sponsored by the provider in which the student was enrolled.

(Manufactured Home Installer Licensing Board; 879 IAC 1-4-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2983; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

Rule 5. Insurance and Surety Bond

879 IAC 1-5-1 Insurance and surety bond

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7-5

Sec. 1. (a) In addition to meeting the requirements in IC 25-23.7-5 and 879 IAC 1-4, at the time of making application, an applicant for a manufactured home installer license must submit either of the following:

- (1) Proof of insurance issued by an insurance company authorized to transact business in Indiana showing that the applicant, either directly or through the applicant's employer, is covered by a policy of general liability insurance with products/completed operations coverage in the minimum amount of one hundred thousand dollars (\$100,000) per occurrence, one million dollars (\$1,000,000) aggregate.
- (2) Post with the board a surety bond that:
 - (A) names the applicant as the principal;
 - (B) obligates the surety in the amount of one hundred thousand dollars (\$100,000) to the board in favor of the state;
 - (C) requires the principal, if granted a license, to install manufactured homes in conformance with the manufacturer's installation manual and to observe all applicable federal, state, and local statutes and regulations; and
 - (D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).

(b) The applicant shall immediately notify the board of any change in, or termination of, the insurance coverage or surety bond coverage submitted with the application and provide the board with evidence of substitute coverage. Upon a licensee's failure to comply with this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until the applicant has provided proper proof of insurance to the board.

(Manufactured Home Installer Licensing Board; 879 IAC 1-5-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2983; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

Rule 6. Licensing Education and Continuing Education Course Providers; General Requirements

879 IAC 1-6-1 Application for licensing education and continuing education course provider approval; content

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) Any manufactured home installer licensing education or continuing education course provider seeking approval as a course provider shall:

- (1) make written application for approval, on a form provided by the board; and
- (2) submit such documents, statements, and forms as:
 - (A) required by the board; and
 - (B) may be reasonably necessary to establish whether the course complies with the requirements of this article.
- (b) The application shall include the following:
 - (1) The name and address of the licensing education or continuing education course provider.
 - (2) A list of each course offered.

(3) The name, address, and telephone number of the contact person for the licensing education or continuing education course provider.

(c) To receive approval of a course, licensing education or continuing education course provider applicants must submit the following:

- (1) A course content outline meeting the requirements of:
 - (A) 879 IAC 1-4-2 for licensing education requirements; or
 - (B) 879 IAC 1-8-3 for continuing education requirements;describing each subject to be offered during the approval period.
- (2) A clearly expressed course objective.
- (3) The name and professional biography of the instructors that shows that the instructors possess special skills or knowledge of the subject being presented and have at least one (1) of the following minimum qualifications:
 - (A) An instructor of manufactured home installation teaching at:
 - (i) an accredited institution of higher education in the United States; or
 - (ii) a comparable school of a foreign country.
 - (B) Have a college degree related to the material that the person is to teach.
 - (C) Five (5) years full-time experience in a profession, trade, or technical occupation related to the material being taught.
- (4) The number of hours of licensing education or continuing education to be granted for each course.
- (5) A sample course:
 - (A) evaluation form; and
 - (B) completion certificate.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2984; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-2 Certifications of completion

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Licensing education or continuing education course providers shall provide the student who successfully completes an approved licensing education or continuing education course a certification of course completion that must include the following information:

- (1) The name, telephone number, and address of the licensing education or continuing education provider.
- (2) The name and the Indiana license number, if applicable, of the participant.
- (3) The title of the course, date of course, and number of hours completed.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2984; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-3 Course records

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 3. Each approved licensing education or continuing education course provider must maintain records of students who successfully complete the course of study for a minimum of seven (7) years. The records must include the following:

- (1) Attendance records.
- (2) Course material evaluations.
- (3) Instructor and course evaluations.
- (4) Duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2984; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-4 Course and instructor evaluations

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 4. (a) Each manufactured home installer licensing education course or continuing education course shall have a written course evaluation consisting of questions to appropriately evaluate the overall course.

(b) Licensing education or continuing education course providers are required to survey their students at the end of each course.

The survey shall include information regarding the following:

- (1) The quality of instruction.
- (2) The appropriateness of materials.
- (3) Other information that will properly evaluate the course.

(c) Evaluations must be made available for inspection by the board upon request.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-4; filed May 11, 2005, 2:00 p.m.: 28 IR 2984; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-5 Facilities

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 5. (a) The premises, equipment, and facilities of the approved licensing education or continuing education course provider shall comply with all local, city, county, and state regulations, such as fire, building, and sanitation codes. The premises must also accommodate Americans with disabilities.

(b) Licensing education or continuing education courses shall be taught in a facility with adequate space, seating, equipment, and instructional material to accommodate the number of students enrolled.

(c) Approved licensing education or continuing education course providers shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other area that the student would have access to during the time class is in session, including breaks, such as the restroom and hallways.

(d) Subsection (c) shall not be interpreted to prohibit the use of facilities, such as hotels, motels, and convention centers, where alcoholic beverages are sold in separate rooms.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-5; filed May 11, 2005, 2:00 p.m.: 28 IR 2985; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-6 Student fees; cancellation of course sessions

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 6. (a) The cost of textbooks, supplemental texts, and required materials shall be included in the course fee. Disclosure of the full cost of the course, including tuition, books, and required materials, must be made to the student before enrollment. (b) Each approved licensing education or continuing education course provider shall establish a refund policy, which is included in all printed material related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-6; filed May 11, 2005, 2:00 p.m.: 28 IR 2985; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-7 Advertising

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 7. No licensing education or continuing education course provider conducting a course of study shall advertise or make any reference in its advertising, promotional material, brochures, and/or registration forms that it is:

- (1) endorsed by;
- (2) recommended by;
- (3) accredited by; or
- (4) affiliated with;

the board. However, the licensing education or continuing education course provider may state that the course being presented has been approved by the board.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-7; filed May 11, 2005, 2:00 p.m.: 28 IR 2985; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-8 Licensing education and continuing education course provider prohibitions

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 8. Licensing education or continuing education course providers are prohibited from the following:

- (1) Giving materially inaccurate or misleading information in an application.
- (2) Deliberately falsifying or misrepresenting any information supplied to the board or the public.
- (3) Having substantially failed to comply with the provisions of any contract or agreement entered into with a student.
- (4) Failing to:
 - (A) allow the board or its designee to inspect the licensing education or continuing education course or its records; or
 - (B) make available such information as required by this article.
- (5) Violating IC 25-23.7 or this title.
- (6) Failing to notify the board within thirty (30) days of the termination of its relationship with an instructor.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-8; filed May 11, 2005, 2:00 p.m.: 28 IR 2985; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-6-9 Instructors prohibitions

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 9. (a) An approved manufactured home installer licensing education or continuing education course provider is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had a manufactured home installer license revoked or suspended by any state or federal manufactured home installer licensing agency;
- (2) been convicted of a crime that has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of manufactured home installer laws and abuse of fiduciary responsibilities; or
- (3) falsely certified hours of attendance for any student.

(b) Any instructor whose professional license or certification is under sanction by any state or federal manufactured home installer licensing agency may not instruct in an approved licensing education or continuing education program while the disciplinary sanction is in effect.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-9; filed May 11, 2005, 2:00 p.m.: 28 IR 2985; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-10 Notification of changes

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 10. All approved licensing education or continuing education course providers shall advise the board within thirty (30) days after any significant changes in their operation. Significant changes include, but are not limited to, the following:

- (1) Going out of business.
- (2) A change in the address or phone number of the licensing education or continuing education course provider.
- (3) A change in the name, address, or telephone number of the contact person.
- (4) Adding a new instructor.
- (5) Changes in course outline.
- (6) Any course addition or deletion.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-10; filed May 11, 2005, 2:00 p.m.: 28 IR 2986; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-11 Review and investigation of approved licensing education or continuing education course providers

Authority: IC 25-23.7-3-8

Affected: IC 25-1-11; IC 25-23.7

Sec. 11. (a) An approved licensing education or continuing education course provider may be asked to:

- (1) provide specific information;
- (2) answer questions; or
- (3) appear before the board or its designee;

for the purpose of determining compliance with this article.

(b) The board or its designee may, at any time, review or investigate, or both, any matter concerning any course or applicant for licensing education or continuing education course provider approval to determine compliance with this article.

(c) The method of review shall be determined by the board in each case and will generally consist of the following:

- (1) Consideration of information available from applicable:
 - (A) federal, state, or local agencies;
 - (B) private organizations or agencies; or
 - (C) interested persons.
- (2) Conferences with:
 - (A) the licensing education or continuing education course provider director and other representatives of the licensing education or continuing education course provider involved; or
 - (B) former students of the licensing education or continuing education course provider.

(d) The board may require a background check on the licensing education or continuing education provider's personnel, including a criminal history check.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-11; filed May 11, 2005, 2:00 p.m.: 28 IR 2986; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-6-12 Discipline for noncompliance

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 12. Licensing education or continuing education course providers who are found not to be in compliance with this rule are subject to being disciplined under IC 25-1-11.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-12; filed May 11, 2005, 2:00 p.m.: 28 IR 2986; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

Rule 7. Renewal

879 IAC 1-7-1 Renewal of a manufactured home installer license

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) A manufactured home installer license issued under this article shall expire January 1 of every fourth year.

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by 879 IAC 1-4-1.

- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by 879 IAC 1-8.
- (4) Submit a certification or proof of continuation of the insurance coverage or surety bond required by 879 IAC 1-5.
- (5) Sign a statement under penalty of perjury that:
 - (A) the hours submitted are correct;
 - (B) the licensee attended and completed the courses taken; and
 - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of 879 IAC 1-8.

(Manufactured Home Installer Licensing Board; 879 IAC 1-7-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2986; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR- 879110372RFA)

879 IAC 1-7-2 Renewal of licensing education or continuing education course providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Licensing education or continuing education course provider approval will expire on December 31 of every fourth year. To obtain renewal of the licensing education or continuing education course provider approval, the provider must submit a letter to the board requesting renewal by December 1. This letter must detail any changes made in the:

- (1) course topics;
- (2) materials;
- (3) instructors; or
- (4) other information required by 879 IAC 1-6.

(Manufactured Home Installer Licensing Board; 879 IAC 1-7-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2986; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

Rule 8. Continuing Education

879 IAC 1-8-1 Continuing education requirements

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 1. (a) Manufactured home installers must complete ten (10) hours of continuing education in order to qualify for renewal of an active license.

(b) The number of continuing education hours that a licensee must obtain for the renewal period at the time of issuance of a new license shall be established by section 11 of this rule.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2987; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-2 Courses from approved continuing education providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Hours of continuing education will be granted to manufactured home installers who have successfully completed courses offered by manufactured home installer continuing education course providers approved under 879 IAC 1-6.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2987; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-3 Continuing education topics

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 3. (a) To qualify for renewal, a manufactured home installer must complete ten (10) hours of continuing education in any of the following topics:

- (1) IC 25-23.7, Indiana manufactured home installer licensing act.
- (2) IC 25-1-11, professional licensing standards of practice.
- (3) 879 IAC 1-2, competent practice of manufactured home installation.
- (4) 879 IAC 1-3, code of ethics.
- (5) 675 IAC 14, Indiana residential code, as adopted by the fire prevention and building safety commission.
- (6) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (7) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.
- (8) Manufacturer's installation manuals and requirements.
- (9) Preparation of manufactured housing sites.
- (10) Installation of foundation systems.
- (11) Blocking, perimeter support, and leveling of manufactured homes.
- (12) Structural connections of section and major components.
- (13) Installation of anchoring systems and components.
- (14) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.
- (15) Electrical connections between sections.
- (16) Plumbing connections between sections.
- (17) Mechanical equipment connections between sections.
- (18) Gas equipment and appliance connections within the home.
- (19) Connections of vents, ducts, carpet, and other nonstructural components.

(b) The ten (10) hours of continuing education must include the following:

- (1) Professional ethics.
- (2) Any new or revised federal statutes or regulations, or Indiana statutes, rules, and regulations, governing manufactured home installers that were adopted since the previous licensing period.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2987; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-4 Continuing education credit not given

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 4. Continuing education credit will not be given for any of the following:

- (1) Any education obtained prior to licensure.
- (2) Licensing education courses not approved under 879 IAC 1-4-2.
- (3) Courses taken for a second or subsequent time during a renewal period.
- (4) Courses or seminars not completed. Partial credit may not be given.

(5) Courses not completed due to dismissal by the continuing education provider for disruption of the course, such as the following:

- (A) Reading newspapers.
- (B) Talking on mobile telephones.
- (C) Anything other than paying attention during the course.
- (6) Meetings of the manufactured home installer licensing board.
- (7) Training conducted during eating periods.
- (8) Motivational classes or seminars.
- (9) Business, social, or other noneducational meetings of professional groups or subgroups.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-4; filed May 11, 2005, 2:00 p.m.: 28 IR 2987; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-5 Retention of certificates of completion

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 5. Manufactured home installers shall retain course completion certificates for not less than five (5) years from the date of the course. *(Manufactured Home Installer Licensing Board; 879 IAC 1-8-5; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)*

879 IAC 1-8-6 Continuing education hours

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 6. (a) Hours of continuing education earned in one (1) renewal period may not be used in a subsequent renewal period.

(b) Any continuing education credit accumulated above the minimum requirement for a four (4) year licensure period may not be carried forward to the next four (4) year licensure period.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-6; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-7 Credit for instructors

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 7. A continuing education instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

- (1) be credited for more than four (4) hours of credit for instructing in any four (4) year licensure period; or
- (2) receive credit for repeated courses.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-7; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-8 Inactive status

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 8. Manufactured home installers may apply to the board to renew their licenses in an inactive status. No continuing education is required to renew inactive. An inactive manufactured home installer may not practice manufactured home installation or approve the installation work of another person while in an inactive status.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-8; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-9 Reactivation of an inactive license

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 9. (a) To reactivate an inactive license, a manufactured home installer must apply to the board for the reactivation on the application form supplied by the board.

(b) Manufactured home installers who have been inactive at the date the reactivation application is filed must submit proof of completion of ten (10) hours of continuing education within the four (4) year period immediately before the date the reactivation application is filed.

(c) Continuing education hours obtained by a licensee to reactivate an inactive license cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress are stated in section 11 of this rule.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-9; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; filed Oct 20, 2011, 2:57 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-10 Reinstatement of an expired or lapsed license

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 10. (a) An individual whose license has expired or lapsed and wishes to reenter the practice of manufactured home installation must file an application to renew the expired or lapsed license. The application shall be accompanied by the following:

(1) The payment of the fee required to renew the quadrennial license specified in 879 IAC 1-4-1.

(2) Evidence of completion of ten (10) hours of continuing education prior to filing the application.

(b) The continuing education hours required under subsection (a)(2) must:

(1) have been obtained no earlier than four (4) years prior to the date the application for reentry is filed; and

(2) meet the requirements established in this rule.

(c) Continuing education obtained by a licensee to renew an expired or lapsed license under this section cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress at the time of reinstatement are stated in section 11 of this rule.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-10; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; filed Oct 20, 2011, 2:57 p.m.:

20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-11 Continuing education required after reactivation or reinstatement

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 11. The following table establishes the number of continuing education hours that a licensee must obtain for the four (4) year licensure period in progress at the time of the issuance, reactivation, or reinstatement of a license under sections 1, 9, and 10 of this rule:

Date of Issuance of License	Hours Required to Renew
During the first year	10
During the second year	8
During the third year	4
During the fourth year	2

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-11; filed May 11, 2005, 2:00 p.m.: 28 IR 2988; filed Oct 20, 2011, 2:57 p.m.:

20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-12 Waiver of continuing education

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 12. Manufactured home installers who are unable to meet the continuing education requirements because they:

(1) serve in the armed forces of the United States;

(2) have an incapacitating illness or injury that prevented either part-time or full-time employment; or

(3) reside outside of the United States of America; may petition the board, in writing, to have a reduction or waiver of the continuing education requirements.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-12; filed May 11, 2005, 2:00 p.m.: 28 IR 2989; filed Oct 20, 2011, 2:57 p.m.:

20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-8-13 Audit of continuing education compliance

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 13. (a) The board may conduct audits of manufactured home installers and providers for continuing education compliance. For any purpose of this section, the board may designate a board member or staff member to act on behalf of or in the name of the board.

(b) If, as a result of an audit or other review, the board determines that hours of continuing education a manufactured home installer has claimed do not meet the requirements of IC 25-23.7-6-5 and this article, the board shall notify the manufactured home installer of that determination.

(c) A manufactured home installer, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the manufactured home installer's position that an adequate number of hours of continuing education have been completed.

(d) A manufactured home installer who submits false information shall be subject to the sanctions provided for under IC 25-1-11.

(e) Manufactured home installers who are found not to be in compliance will be subject to discipline under IC 25-1-11.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-13; filed May 11, 2005, 2:00 p.m.: 28 IR 2989; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

Rule 9. Distance Learning Continuing Education

879 IAC 1-9-1 "Distance education" defined

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 1. (a) As used in this rule, "distance education" means a course in which instruction does not take place in a traditional classroom setting but rather through other media where the educator and student are separated by distance and sometimes by time.

(b) Methods of distance learning education include, but are not limited to, the following:

(1) Education by correspondence.

(2) Video instruction.

(3) Internet education.

(c) "Provider" means an individual or company that creates and delivers continuing education by distance learning methods.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-1; filed May 11, 2005, 2:00 p.m.: 28 IR 2989; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-9-2 Distance education courses and providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. (a) The board must approve continuing education courses meeting the applicable requirements of this rule offered by a distance learning method and an approved provider of the distance learning method.

(b) A licensee must complete the distance education course within one (1) year of the date of enrollment.

(c) Course subjects allowed under 879 IAC 1-8-3 may be taken through distance learning. However, a maximum of fifty percent (50%) (five (5) hours) of continuing education courses will be credited toward the ten (10) hour requirement.

(d) The board must approve a distance education course if the board determines to its satisfaction the following:

(1) The distance education course serves to protect the public by contributing to the maintenance and improvement of the quality of the services provided by the manufactured home installer.

(2) An appropriate and complete application has been filed and approved by the board.

(3) The distance education course meets the content requirements as prescribed in 879 IAC 1-8-3.

(4) The distance education course or courses meet all other requirements as prescribed in the statutes and rules that govern the operation of approved courses.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-2; filed May 11, 2005, 2:00 p.m.: 28 IR 2989; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)

879 IAC 1-9-3 Approval of distance education course and provider

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 3. In order for a distance education course to be approved for credit, the continuing education course provider shall submit the following information:

(1) For course design, the following:

(A) A plan for submitting substantial changes in the course to the board. Substantial changes include, but are not limited to, the following:

(i) Expanded or reduced course content.

(ii) Changes in the time allotments for portions of the course.

(iii) Changes in the learning objectives.

(iv) A change of instructor.

(v) Changes in the course delivery method.

(B) A course may provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the class. Tests may have any combination of multiple choice, true or false, fill-in, or essay questions with at least twenty (20) questions per two (2) hours of instruction. If a test is not used, an alternate method of timing the licensee's participation must be provided to verify completion of the course.

(2) For course delivery, the following:

(A) The names and qualifications for each continuing education provider and instructor of the course offered by distance learning methods and their credentials, including any specific training for teaching via the specified delivery method as well as a plan for their continued professional development.

(B) An identity affirmation statement is required. The licensee is required to sign the statement before any certificate of completion for distance learning is issued.

(C) A plan for sufficient security to:

(i) ensure against fraudulent practices;

(ii) protect the licensee's identification information; and

(iii) verify that the student enrolled in the course is the one who completes the course and any required tests.

(3) For licensee support services, information about the course, if applicable, including the following:

(A) Broadcasts and distance site locations.

(B) Faculty contact information.

(C) Course outline and learning objectives.

(D) Testing and grading information.

(E) Guidelines regarding what constitutes successful completion of the course.

(F) Homework assignments and deadlines.

(G) Fees and refund policies.

(H) Prerequisites for the course.

(I) A list of required student materials.

(J) A list of other support services made available to the students.

(4) For evaluation and assessment, an evaluation form that solicits licensee feedback on the following:

(A) The delivery approach.

(B) The equipment.

(C) Suggestions for class improvement.

(D) Their overall satisfaction with the course.

It is required that every licensee in a distance education course be provided an evaluation form at the conclusion of the course.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-3; filed May 11, 2005, 2:00 p.m.: 28 IR 2990; filed Oct 20, 2011, 2:57 p.m.: 20111116-IR-879110003FRA; readopted filed Nov 22, 2011, 12:18 p.m.: 20111221-IR-879110372RFA)